



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

SENT TO COMPLIANCE REGISTRY
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12300 W Dakota Ave, Suite 110
Lakewood, CO 80228

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 3, 2007

Mr. Duane Dudics
Manager, Environmental, Safety & Health
Thums Long Beach Company
111 W. Ocean Boulevard
Long Beach, CA 90802

CPF 5-2007-2001M

Dear Mr. Dudics:

On June 12, 2006, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and a representative of the California State Fire Marshall office (SFM), pursuant to Chapter 601 of 49 United States Code, conducted an inspection of the Thums Long Beach Company (Thums) Operator Qualification (OQ) program for your pipeline personnel in Long Beach, California.

On the basis of the inspection, PHMSA identified apparent inadequacies found within Thums OQ plan as described below:

1. § 192.805 Qualification Program

a) Identify covered tasks;

Thums Operator Qualification Plan provided a listing of covered tasks, but several tasks were not described or documented. Tasks no. 15, 16, 19, 20, and 29

were not described or documented. The analogous code citation for your hazardous liquid pipelines operator qualification program is §195.505.

b) Ensure through evaluation that individuals performing covered tasks are qualified

Thums Operator Qualification Plan described Abnormal Operating Conditions (AOCs), but no documentation was available to show the evaluation and qualification of individuals for their capacity to recognize and react to AOCs. The analogous code citation for your hazardous liquid pipelines operator qualification program is §195.505.

c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified.

Thums Operator Qualification Plan described provisions to allow individuals that are not qualified to perform covered tasks if directed and observed by an individual that is qualified, but there were no limitations or restrictions placed on these activities. The analogous code citations for your hazardous liquid pipelines operator qualification programs is §195.505.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within thirty days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

In correspondence concerning this matter, please refer to **CPF 5-2007-2001M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'CHoidal', written over a horizontal line.

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 P. Nguyen (#118307)

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*